

SENTENCING MINUTES

DATE: 5-25-2022 CASE NUMBER: 3:21cr17
JUDGE: Hudson CT REPORTER: Harding, OCR
INTERPRETER: _____

UNITED STATES OF AMERICA

Michael Modre, AUSA
Samuel Fishel, # SAUSA

v.

COUNSEL

Joshua Brady Charles Garvin, ESQ.

SENTENCING ON COUNT(S): 3 () Criminal Information
() Indictment (☒) Superseding Ind.

PRELIMINARY MATTERS: See page 4

OBJECTIONS TO PSR: None

STATEMENTS MADE BY: GOV'T (☒) DEFENSE COUNSEL (☒) DEFT (☒)

ON MOTION OF GOV'T. () INDICTMENT (☒) REMAINING CTS DISMISSED

DEFENDANT TO VOLUNTARILY REPORT TO DESIGNATED INSTITUTION

ON: _____ BY: _____
() IF NO DESIGNATION MADE, REPORT TO U.S. MARSHAL IN RICHMOND

DEFT ADVISED OF RIGHT OF APPEAL within 14 days of today (☒)

DEFT REMANDED TO CUSTODY (☒)

CASE SET: 2:00 BEGAN: 2:02 ENDED: 3:05 TIME IN COURT: 1:03

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SENTENCE TEXT

COUNT 3 IMPRISONMENT 360 MOS. CONCURRENT () CONSECUTIVE ()
CREDIT FOR TIME SERVED ON THIS CHARGE ()
SUPERVISED RELEASE Life ~~YEARS~~
PROBATION _____ YEARS
FINE \$ _____ (☒) Fine not imposed
SPECIAL ASSESSMENT \$ 100- due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()
SUPERVISED RELEASE _____ YEARS CONCURRENT ()
PROBATION _____ YEARS CONCURRENT ()
FINE \$ _____ () Fine not imposed
SPECIAL ASSESSMENT \$ _____ due immediately

COUNT _____ IMPRISONMENT _____ MOS. CONCURRENT () CONSECUTIVE ()
SUPERVISED RELEASE _____ YEARS CONCURRENT ()
PROBATION _____ YEARS CONCURRENT ()
FINE \$ _____ () Fine not imposed
SPECIAL ASSESSMENT \$ _____ due immediately

CONSENT ORDER OF FORFEITURE MADE A PART OF JUDGMENT IN CASE (☒)

RESTITUTION ORDERED: \$34,120.60

RECOMMENDATION(S) TO BOP:

() Designate dft. to a facility near family (☒) Designate dft. to Petersburg FCI
() SHOCK Incarceration Program () BRAVE Program
(☒) Educational / Vocational training (☒) BOP ~~500-hr intensive~~ drug treatment program
() UNICOR program () with _____ portion of earnings directed to child support
(☒) OTHER: mental health treatment

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SPECIAL CONDITIONS of Probation / Supervised Release:

- _____ (1) Incur no new credit without approval of probation officer
- _____ (2) Provide probation officer with access to financial information
- _____ (3) Perform community service _____ HOURS during period of supervision
- _____ (4) Participate in drug/alcohol treatment; _____ Pay cost of treatment
- _____ (5) Participate in mental health treatment; _____ Pay cost of treatment
- _____ Participate in anger management
- _____ (6) Participate in home confinement program for _____ with monitoring
 - _____ Permitted to work, attend church, or other approved activities
 - _____ Maintain telephone without special features; no cordless phone
 - _____ Pay costs of electronic monitoring
- _____ (7) Placement in a Community Confinement Center for _____ (term)
- _____ (8) Defendant to be surrendered to BICE for deportation proceedings
 - _____ If deported, defendant to remain outside the United States
- _____ (10) Mandatory drug testing waived
 - _____ Probation officer may still administer drug test if deemed appropriate
- _____ (11) Pay child support in amount ordered by social services or Court
- _____ (13) Serve intermittent confinement on weekends for a period of _____ DAYS
- _____ (14) No possession of pager, cellular telephone, or other handheld communication device
- ✓ (15) Defendant shall pay any balance owed on the S/A imposed by the Court
 - ✓ Pay in installments of not less than \$ 100.00 per month, to begin 30 days after start of supervision until paid in full
- _____ (16) Waive all rights of confidentiality regarding mental health treatment (or other treatment) to allow release of information to Probation, etc.
- _____ (17) Commencing _____, and continuing for _____, defendant may operate a motor vehicle only for purposes of work and court, including travel to the Probation Office and alcohol treatment program
- _____ (18) Defendant to apply monies received from tax refunds, lottery winnings, and any anticipated or unexpected financial gains to the Court-ordered financial obligation

✓ (---) Other special conditions:

Register with state sex offender
registration agency

No internet use and no unsupervised
contact with minors without approval
of the probation officer

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SENTENCING MINUTES, CON'T.

United States of America v. Joshua Clayton Brady
Criminal No. 3:21CR00017-HEH
May 25, 2022

PRELIMINARY MATTERS

Defendant placed under oath and heard at the lectern regarding obtaining a new attorney.
Courtroom cleared with exception of defense counsel; defendant heard *ex parte*.
Defense counsel heard.
Government attorneys readmitted into courtroom and heard.
Government exhibits 1-4 (emails) submitted to the Court.
Findings given from the Bench; defendant's request for new counsel denied.

Victim impact statement made by victim number 1.

Defendant's Motion for Downward Variance (ECF no. 80).
Argument heard.
Findings given from the Bench; motion denied.